

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Cheri L. Kadlecik
Ryan S. Kadlecik

Debtor(s)

MIDFIRST BANK, its successors and/or assigns
Movant

v.

Cheri L. Kadlecik
Ryan S. Kadlecik

Respondent

and
Ronda J. Winnecour, Trustee

Additional Respondent

BK. NO. 20-21563 JAD

CHAPTER 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

/s/ Brian C. Nicholas, Esquire

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Date: September 24, 2020

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MOTION OF MIDFIRST BANK, ITS SUCCESSORS AND/OR ASSIGNS

FOR RELIEF FROM THE AUTOMATIC STAY

UNDER SECTION 362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001

Movant, by its Attorney, KML Law Group, P.C., hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor(s).

1. Movant is MIDFIRST BANK, its successors and/or assigns.
2. Debtor(s), Cheri L. Kadlecik and Ryan S. Kadlecik, is/are the owner(s) of the premises located at 4001 Oak Point Circle , Mc Kees Rocks, PA 15136, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$299,669.00 on the mortgaged premises that was executed on February 13, 2018. Said mortgage was recorded on February 23, 2018 at Book 48963, Page 573. The mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on August 10, 2020, Book 52494, Page 365 in Allegheny County.
4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required thereunder.
5. The payoff amount due on the mortgage is \$296,005.98
6. Debtor(s) is/are currently delinquent in payments to the Chapter 13 Trustee in the amount of \$973.80.
7. The total amount of post-petition arrearage is \$1,330.18. A total of \$8,965.12 has come due to movant from the date of filing, and the Chapter 13 Trustee has disbursed \$5,255.75 to movant for post-petition payments.

8. The total amount of pre-petition arrearage is \$5,368.13.
9. The fair market value of the premises is \$315,000.00.
10. The Senior Lien Holders on the premises are none.
11. The Junior Lien Holders on the premises are none.
12. The foreclosure proceeding filed or to be instituted were stayed by the filing of the instant

Chapter 13 Petition.

13. Debtor(s) has/have no or inconsequential equity in the premises.
14. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.
15. This motion and the averments contained therein do not constitute a waiver by the Moving Party of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant respectfully requests that this Court enter an Order modifying the Automatic Stay under Section 362 with respect to the mortgaged premises as to permit Petitioner to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take legal action for enforcement of its right to possession of said premises.

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